<u>REMARKS</u>

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-7 are pending in this application. In the Office Action, the Examiner rejected the claims as follows. Claims 1-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1 and 2 were rejected under 35 U.S.C. §102(e) as being anticipated by *Vayanos et al.* (U.S. Patent No. 6,901,063) (hereinafter, *Vayanos.*)

In response to the Examiner's comments in the Office Action, Claims 1, 3, and 4 have been amended and Claim 2 has been cancelled without prejudice. In addition, Claims 5, 6, and 7 have been newly added. Accordingly, new matter has been introduced.

As to the Examiner's rejection of Claim 1 under §112, 2nd paragraph, the Examiner objects to several of the limitations mentioned in Claims 1 and 3. In light of the Examiner's comments in the Office Action, Applicant has amended Claims 1 and 3, as set indicated above, according to the Examiner's suggestions. Hence, it is respectfully submitted that the Examiner's §112, 2nd paragraph rejection of Claims 1 and 3 has now been overcome.

Regarding the rejection of Claim 1 under 35 U.S.C. §102(e), the Examiner asserts in the Office Action that *Vayanos* discloses a method for processing packet data units (PDUs) to which a transmission sequence number (TSN) is allocated wherein the recitation of "when *a sum* of a TSN of the PDU at an upper edge of the receiver window and a value of the set receiver window size *is larger* than a value of a total TSN size where the TSN of the PDU from the transmitter is outside the receiver window, *receiving* a corresponding PDU if a TSN of the corresponding PDU is within a predetermined range even though the TSN of the corresponding PDU is smaller than the TSN at the upper edge of the receiver window," as recited by Claim 1 of the application. In particular, the Examiner cites Figures 4A, 4B, and 6B of *Vayanos*, as well as Columns 6, 7, 23,

and 24 in the Specification thereof, to support the §102(e) rejection of Claim 1. Independent Claim 1 has been amended, as set forth above, so as to further distinguish the claimed invention from that which is taught in *Vayanos*.

Vayanos essentially teaches a technique for delivering data recovered by a Hybrid Automatic Retransmission reQuest (HARQ) entity in proper order to higher layers in a CDMA system. In particular, data packets are received from the HARQ entity by a re-ordering entity and missing packets among the received packets are detected. Furthermore, packets may be transmitted in a sequential order based on Transmission Sequence Numbers (TSNs) assigned to the packets and missing packets may be detected based on the TSNs of the received packets.

In Figure 6B, *Vayanos* teaches a "window" maintained by the receiver having a re-ordering entity and further suggests that data packets processed by the re-order entity are identified and referred to by their TSNs. However, in the cited lines of *Vayanos*, which reference Figure 6B, Applicant could not find any disclosure teaching the "storing" step as recited by newly amended Claim 1.

Moreover, *Vayanos* is silent as to the recitation of "when *a sum* of a TSN of a PDU at an upper edge of the receiver window and a value of the set receiver window range *is larger* than a value of a total TSN of PDUs to be received if a TSN of the received PDU is outside of the set receiver window range, *storing* the received PDU if the TSN of the received PDU is within a predetermined range even though the TSN of the received PDU *is smaller* than the TSN of the PDU at the upper edge of the receiver window in the reordering buffer," as recited by Claim 1 of the application. In fact, *Vayanos* merely discloses the method of the re-ordering entity of the receiver associating each received packet within the TSN number space with one of four possible states: Delivered, Received, Missing, and Expected.

Accordingly, *Vayanos*, standing alone, fails to disclose or even fairly suggest each and every limitation of Claim 1 and, hence, it is respectfully submitted that the rejection of Claim 1 under 35 U.S.C. §102(e) be withdrawn.

Moreover, without conceding the patentability *pre se* of the dependent claims, it is respectfully submitted that dependent Claims 3 and 4 are believed to be in condition for allowance for at least the above reasons. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3 and 4 is respectfully requested.

Additionally, new Claims 5-7 contain similar recitations as those contained in amended Claims 1, 3, and 4; accordingly, it is respectfully submitted that new Claims 5-7 are patentably distinct for at least the same reasons as set forth above with respect to Claims 1, 3, and 4.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,
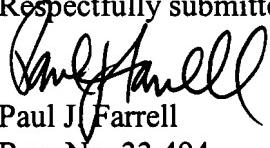
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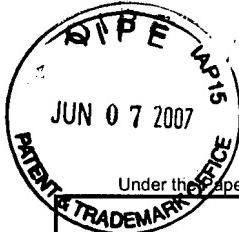
STATEMENT UNDER 37 CFR 3.73(b)   Atty. Docket No. 678-1291(P11217)

Applicant/Patent Owner: ___Kang-Gyu LEE_____

Application No./Patent No.: ___10/748,766_____ Filed/Issue Date: __December 30, 2003_____

Entitled:

Samsung Electronics Co., Ltd.   corporation
_____, a _____
(Name of Assignee)   (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:
1. [✓] the assignee of the entire right, title, and interest; or

2. [ ] an assignee of less than the entire right, title and interest
     (The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A.[✓] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded
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B.[ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

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was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
    [NOTE: A separate copy (*i.e.,* a true copy of the original assignment document(s)) must be submitted to Assignment
       Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP
       302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.
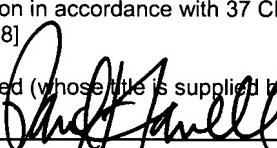
_____	June 4, 2007
Signature	Date
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Title	

JUN 0 7 2007